

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

(1) REV. BARRY D BILDER, Pro Se

Plaintiff

15 CV - 270 JHP PJC

Case No:

COMPLAINT

(2) REV. BETH MATHERS;

(3) RUTH BILDER

(3) CHURCH OF HOLISTIC SCIENCE, INC.;

(4) TPD DETECTIVE COREY MEYERS

(5) TULSA POLICE DEPT

And any other Defendants who may be discovered.

A. Parties

1) (Plaintiff) Rev Barry D Bilder, pro se, is a citizen of the State of Oklahoma who presently resides at 7226 East 47th St., Tulsa, OK 74145.

2) (Defendant) Rev Beth Mathers is a citizen of Tulsa, OK and is employed as an administrator of the Church of Holistic Science, Inc.
3) (Defendant) Ruth Bilder is a citizen of Tulsa, OK and is employed as an administrator of the Church of Holistic Science, Inc.

(4) (Defendant) Detective Corey Meyers, Tulsa Police Dept. (hereafter known as TPD) who is a citizen of Tulsa, OK and is employed with the TPD.

(5) (Defendant) Tulsa Police Department, Tulsa, OK.

B. Jurisdiction

- 1) Plaintiff claims federal jurisdiction pursuant to Article III Section 2 which extends the jurisdiction to cases arising under the U.S. Constitution.
- 2) Plaintiff brings this suit pursuant to Title 42, U.S.C. Section 1983 for violation of certain protections guaranteed to him by the Fourth Amendment, "Warrantless Arrest"; Fifth Amendment, being a witness against oneself; the Ninth Amendment, "Rights Denied or Disparaged"; and the Fourteenth Amendment, "Due Process".

C. Nature of the Case

[1] On or about April 17, 2014, Plaintiff Rev. Barry Bilder and his housemate, Mr. Seth Davis, were contacted by TPD Detectives, at their residence of 7226 E. 47th St., Tulsa, OK. Detectives stated that they were looking for a home-invasion suspect said to drive a gold-colored Nissan Maxima. The gold-colored Nissan Maxima which Rev. Barry Bilder drives is the property of the Church of Holistic Science, Inc., of which Rev. Bilder was at one time, the President.

[2] The police story changed, however, [EXHIBIT #1: Thumbdrive of Lori Fulbright story – “Kool Aid” girls], when TPD Detective Corey Meyers communicated with Rev. Barry Bilder, that in fact authorities were looking for a suspected child-abductor / rapist, and began to demand the Plaintiff give up a sample of his DNA. The Plaintiff, on the direction of his then-attorney (on his civil case) Creekmore Wallace, told him to give nothing without a warrant.

[3] Rev. Bilder spent his days and nights at the residence of his girl-friend, Lisa Haamid, who lives in a gated community, which police detectives came to but did not enter. Life for the Plaintiff, his house-mate, his girl-friend, friends, church members, and neighbors on the other side of his duplex, were made intolerably difficult by the appearance of a police “SWAT” team who surrounded the residence, with guns drawn, looking to apprehend the Plaintiff and take his DNA by force.

[4] Seeing that the TPD were relentless in their hunt for Rev. Barry Bilder’s DNA, he retained the services of Edge Law Firm, in order to more firmly protect his Constitutional rights, i.e. Chain of Custody of his DNA. By this time it was evident that the TPD had zeroed in on Rev. Bilder as the prime suspect in their hunt, as they secured a warrant for Rev. Bilder’s DNA [EXHIBIT #2: DNA Warrant].

[5] On Friday, May 15, 2014, Plaintiff’s attorneys from Edge Law Firm informed him of an arrangement they made with the TPD to secure a sample of Rev. Barry Bilder’s DNA on Monday, May 18, 2014. Attorneys Jason Edge and Melanie Lander said they would accompany Rev. Barry Bilder to the TPD to ensure Chain of Custody of the genetic sample.

[6] Tulsa Police did not honor this agreement, however, and in the presence of his two young sons, during a once-a-week parental visit, the Plaintiff was pulled over by four marked and unmarked Police vehicles and forcibly made to surrender a sample of his DNA. During this stop, Rev. Barry Bilder asked Det. Corey Meyers how many other gold-colored Nissan Maximas they had stopped and taken DNA samples of the drivers, to which Det. Meyers replied, "Only yours."

[7] The attorney-supervised DNA retrieval would have aided in protecting at least Chain-of-Custody issues, but was ignored by TPD, which added additional emotional stress to the Plaintiff, his family and friends, and thus a tortious act.

[8] After having his DNA seized on Saturday, May 17, 2014, Rev. Barry Bilder could only wait and see what would come of it, as his attorneys explained since the police department was not obliged to contact him to let him know that he was cleared of suspicion, and / or that his DNA was not a match to the suspect. Rev. Barry Bilder suffered an inability to sleep or carry on a normal life.

[9] On Sept. 3rd, 2014, Plaintiff learned through the news media, that the alleged perpetrator to the attempted abduction of the "Kool Aid Girls" had been arrested.

[EXHIBIT #3: Newspaper clipping of man arrested, whose DNA was a match to the suspect.] The TPD had secured a DNA match from the DNA retrieved from a cup from which the suspect had drunk Kool Aid. His DNA also matched a Glenpool rape of a 12-year old girl.

[10] At no time was Rev. Barry Bilder or his attorneys notified by the authorities that the actual suspect had been arrested, so he could resume a normal life, free from the perpetual fear of police arrest. Understanding how DNA science works, is such a new technology, and understanding how mishandling of DNA substances has been reported, Rev. Barry Bilder lived under constant fear for his daily liberties.

D. Cause of Action

The Plaintiff alleges the following:

[11] The DNA Warrant was secured unconstitutionally, ignoring SCOTUS ruling. **

[12] The Plaintiff believes Defendants Mathers and R. Bilder initiated this “ fishing expedition” by perpetrating a fraud upon the Tulsa Police Department. TPD Det. Corey Meyers, told Plaintiff he had already talked with Defendants Mathers and Bilder and he knew about the civil lawsuit. The Defendants are adversaries of the Plaintiff in a multi-million dollar civil lawsuit involving the Church of Holistic Science, Inc. (CJ-2011-3948, Tulsa County District Court).

[13] Plaintiff believes that the Defendants contacted the TPD after a Ch 6 televised news story describing a would-be child-abductor who drove a gold-colored Nissan Maxima, similar to the one driven by the Plaintiff.

** Maryland v King (2013) Supreme Court; 596 US_(2013)

[14] Plaintiff believes that the Defendants gave fraudulent and slanderous testimony to the TPD Detectives, defaming his character, in order to implicate him in the “Kool Aid Girls”/ Glenpool abduction/rape investigation. Whatever was said to the Tulsa Police investigators, the TPD immediately zeroed in on the Plaintiff and sought to track him down and to seize his DNA; to the exclusion of any other person(s) who drove a gold-colored Nissan Maxima. Home-security video, shown on Channel 6 News, which captured the image of the gold Nissan, is not clear enough to determine the vehicle year.

[15] Police ignored the children’s descriptions of the perpetrator and appeared to exclusively pursue the Plaintiff. Plaintiff does not resemble police sketches [EXHIBIT #4 : Police sketches] nor does he match the description given in a televised description by the Kool Aid girls, who described the perpetrator as having “marks and holes” in his face; Plaintiff has a smooth complexion; [EXHIBIT #5: Photo of Plaintiff]. Plaintiff is 6’4”, 210 lbs which did not match the description of suspect.

[16] Defendants Mathers and R. Bilder committed fraud upon the TPD and the Tulsa community at large, by taking valuable resources from the TPD and knowingly and maliciously diverting police resources to their own ends, specifically to wrongfully and fraudulently bring harm upon the Plaintiff, with whom the Defendants are both engaged in a multi-million dollar civil lawsuit.

Supporting Facts:

[17] See: List of Exhibits

[18] Statement to Plaintiff of Det. Corey Meyers that his (the Plaintiff’s) was the only gold-colored Nissan being investigated by Tulsa Police. Discovery will reveal the identities

of those who contacted the Tulsa Police Department and maliciously attempted to implicate the Plaintiff in a serious crime.

E. Request for Relief

I believe that I am entitled to the following relief:

[19] WHEREFORE, I the Plaintiff, Rev. Barry D Bilder, pro se, pray for equitable and declaratory relief, both punitive and compensatory, court costs, filing fees, and attorney fees, in excess of \$75,000.00.

[20] Compel TPD and the OK State District Court to follow US Supreme Court guidelines as set forth in 569 US_(2013) Maryland v. King, in which case it was made clear that an arrest must first be secured before any DNA sample(s) can be taken; not the other way around.

Original Signature of Plaintiff

Rev. Barry D Bilder, Pro Se
7226 E. 47th St.
Tulsa, OK 74145
918-706-2348
barryb1364@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on 5/15/15 (Date), I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants (names only are sufficient):

I hereby certify that on _____ (Date), I served the same document by:

- U.S. Postal Service
- In-Person Delivery
- Courier Service
- Email

on the following, who are not registered participants of the ECF System (names and addresses):



Signature

CERTIFICATE OF SERVICE This is to certify that on the day of May, 2015, a true and correct copy of the foregoing was mailed to:

Judge Linda G. Morrissey – Hand deliver
Courtroom 601
500 South Denver
Tulsa, OK 74103

Mr. Bill Wilkinson – wilklaw@wilklaw.com
Wilkinson Law Firm, Inc
Valley National Bank Bldg
4812 East 81st St., Ste 302
Tulsa, OK 74137

Creekmore Wallace, II – creeklaw@yahoo.com
Attorney for Defendant Karen Harr

Gail Rose – gailrose@cctulsa.com
Tulsa, OK 74107
Pro Se

Brendan M. McHugh – mchugh8@att.net
PO Box 1392
Claremore, OK 74018
Attorney for Plaintiff-Intervenor
Everett Lee Stone

Iron Security – 918-576-4180, Fax 918-286-6939
www.ironsecurityoklahoma.com
adam_iron@yahoo.com
Adam Rowley and 2nd armed guard

Clinton Hunter
c/o Church of Holistic Science, Inc.
1401 E. 15th St
Tulsa OK 74120
Until his address is known. Subpoena

Signed,



Rev. Barry D Bilder, pro se
7226 East 47th St.
Tulsa, OK 74145
918-706-2348
Barryb1364@gmail.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMARev. Barry D. Bider,
pro se

Plaintiff(s),

vs.

Case Number:

orig.

Mathers, et al

Defendant(s).

EXHIBIT LIST

SUBMITTED BY ATTORNEY:

PARTY REPRESENTED:

No.	Description	Objection (if any)
1	Thumbdrive with Ch. 6 reporter - website	
2	TPD DNA WARRANT - process server	
3	Newspaper clipping	
4	Police Sketches	
5	PLAINTIFF'S PHOTO	

Signature:

Rev. Barry D. Bider

pro se

-

Printed Name:

OBA Number:

Law Firm:

Address:

City, State, Zip Code

Telephone:

Facsimile:

Email Address:

7226 E. 47th St.

Tulsa, OK 74145

918-706-2348

-

barryb1364@gmail.com

Channel 6
News Report
by Lori Fullbright

EXHIBIT
1

AT:
WNOW.WORLDSNOW.COM/
STORY/25019181/
TULSA.police-investigate-
CHILD-ABDUCTION-threat

AFFIDAVIT FOR SEARCH WARRANT--STATUTORY FORM--Title

1025296180

State of Oklahoma,)
County of Tulsa,) ss.

In The District Court

THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
Barry D. Bilder)
Defendant,)

SW-2014-312

No _____

AFFIDAVIT FOR SEARCH WARRANT

The undersigned Affiant, being first duly sworn, upon oath deposes and says that the following described property:

Buccal swab

constitutes evidence that an offense was committed and that the person in possession thereof participated in the commission of said offense, to-wit:

Kidnapping/1 Degree Rape

The above described property is now in possession of the above named defendant, and is now located in Tulsa County, Oklahoma, at, upon or within a certain vehicle, and/or house, building or premises, the curtilage thereof and the appurtenances thereunto, belonging to Barry D. Bilder.

Is located at: 7226 E. 47th St
 Name: Barry D. Bilder
 Description: 64-year-old W/M; 603/210; BRO/BRC
 DOB: 09/29/1949
 SOC: 351423933
 Addresses: 7226 E. 47th St
 City of Tulsa, County of Tulsa, Oklahoma

DISTRICT COURT
FILED

MAY 19 2014

CLERK, TULSA COUNTY
STATE OF OKLAHOMA
BONNIE SMITH, CLERK

Your affiant further states:

On January 8, 2013 Glenpool Police investigated a report of a rape/kidnapping of a 12 year old female. The victim was taken in for a SANE exam and evidence of the crime was collected and preserved.

On March 18, 2014 Officers were dispatched to 3533 S. Louisville to investigate an attempted kidnapping of two female juvenile victims. Video surveillance was obtained from a neighbor that showed the victims selling lemonade in the drive way of the listed address when an unknown white male drove up in a tan/gold Nissan Maxima with tinted windows. The victims sold a cup of lemonade to the unknown white male. The suspect drank from the cup and gave the cup back to the victims. The suspect slightly opened his driver's door and asked the girls if they wanted to make money, and if so they would have to go with him to his studio. The girls refused and ran away from the scene into the home and the suspect drove away.

The listed suspect is in possession of a Tan/Gold Nissan Maxima with tinted windows that matches the suspect vehicle listed in the attempted kidnapping from 3533 S. Louisville Ave. DNA was collected and preserved from the lemonade cup. Detectives Reid and Watkins visited the above listed suspect at his address on May 8, 2014 to get a DNA sample. The suspect refused to comply with giving his sample. The suspect stated that he had an attorney out of Creek County. Detective Watkins asked defendant to have his attorney call detective Myers. As May 9, 2014 I have not heard from the suspect's attorney.

A DNA profile matched both cases on an unidentified suspect.

Your affiant requests the issuance of a search warrant to obtain buccal swabs from the defendant to obtain a DNA sample to compare to the evidence collected.

EXHIBIT
#2

Your Affiant further sayeth not.

Wherefore, Affiant asks that a search warrant issue according to law, directed to any Peace Officer in this state, commanding that he search the said persons, premises and/or vehicle, and take possession of the property herein before described and detain the same provided by law.

Affiant – Det. Corey Myers

Subscribed and sworn to before me on this 11³/4 day of May 9, 2014



Judge of the District Court

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SEE BRITISH A14

Suspect in rape of girl in federal custody

- Court documents say DNA links him to an apparent abduction attempt in Tulsa.

BY DYLAN GOFORTH
World Staff Writer

GLENPOOL — A man in federal custody was connected by DNA evidence to the rape of a 12-year-old Glenpool girl last year, as well as to the apparent attempted abduction of two Tulsa girls this March, court documents show.

Kevin Leroy Smith was charged in July in an eight-count federal indictment alleging the possession, distribution and attempted distribution of child pornography.

Glenpool and Tulsa police held a joint press conference Tuesday saying they had identified a "person of interest" in the rape and attempted abduction cases, but they stopped short of publicly identifying Smith as the suspect. The Tulsa World was able to do so through federal court documents.

In March, Tulsa police were notified that a man had attempted to abduct two girls who were working outside their home at a lemonade stand.

Tulsa police were notified Aug. 27 that DNA taken from two cases unrelated to the child pornography charges matched Smith, from whom a DNA sample was taken when he entered the federal court system.

In March, Tulsa police were notified that a man had attempted to abduct two girls who were working outside their home at a lemonade stand.

The girls told officers that the man asked them whether they wanted to make some money, and when they replied "yes," he said they could come to his studio and take some pictures.

SEE SUSPECT A14



EXHIBIT
#4

HELD

Kevin Leroy Smith: He is held as a federal prisoner without bail in the Creek County Jail, officials said.

TULSA WORLD

A11 Wednesday | September 3, 2014 | tulsaworld.com

LOCAL



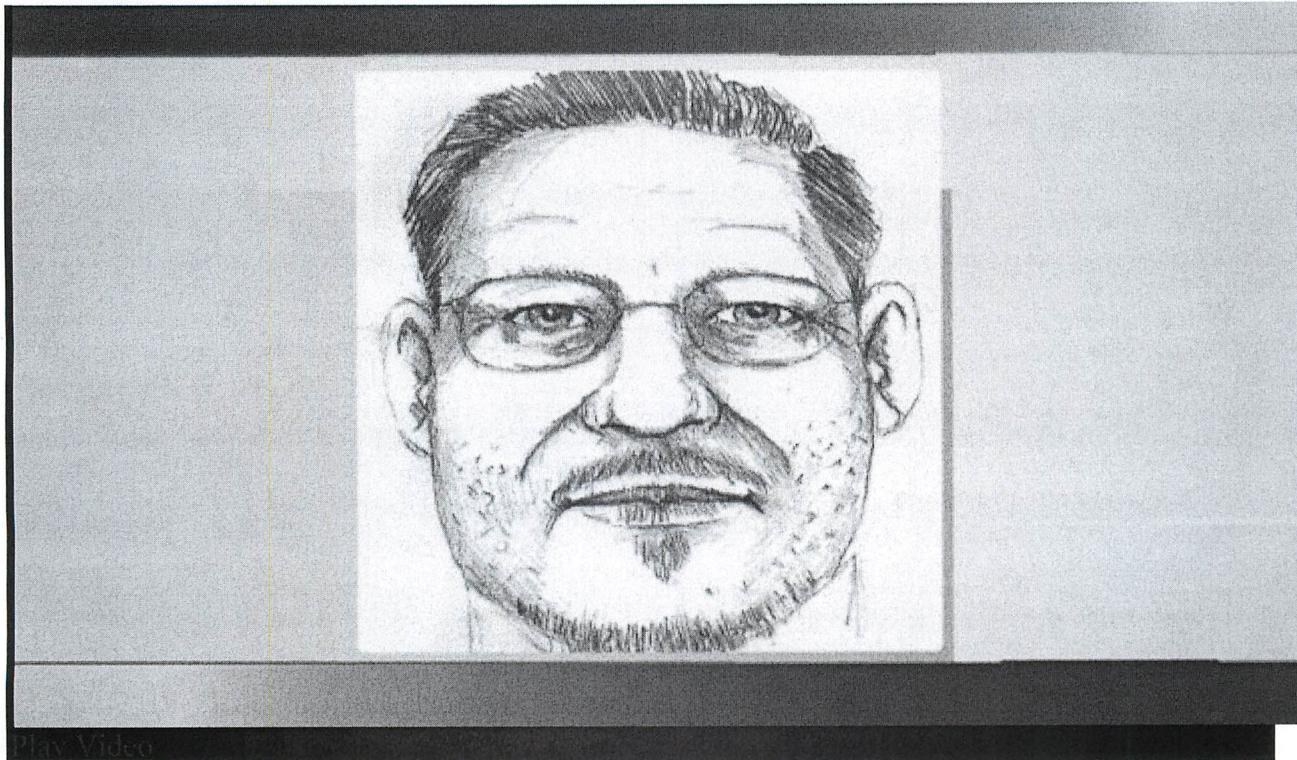
★ Fresh ★
★ Convenient ★
★ Competitive ★



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OUT ISSUE
Two Dips of Vanilla
Ice Cream, Two
Fudge Brownies, Hot
Fudge & Toasted
Almonds



Lemonade Stand DNA Matches Glenpool Rape Suspect

Posted: May 12, 2014 6:02PM CDT Lori Fullbright, News On 6

A man tried to lure two young girls into his car from their lemonade stand in March. Those girls saved the cup the man used that day and gave it to police.

Police got a hit off the DNA on the cup.

It's a match for a man who kidnapped and raped a 12-year-old Glenpool girl last year. Police never caught the man who raped the little girl last year, but, they did have his DNA and put it into the system.

When they entered the DNA of this man at the lemonade stand, it was a match. So they know there's a predator out there but they still don't know who he is or where he lives.

These little girls set up a lemonade stand in their driveway in March. They didn't know how close they came to a predator. They did know something was off when a man pulled up next to them in a tan or gold, 2007-08 Nissan Maxima and tried to talk them into getting into his car, offering to take them to a studio and take their pictures.

[3/10/2014 Related Story: Tulsa Police Investigate Reported Child Abduction Threat](#)

There is video of the car is from a neighbor's security camera. Even when the man gave them back the cup he'd used, they were careful accepting it.

"We stretched out our hand because we thought he would try to grab us," one girl said.

Share this Story

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EXHIBIT
4

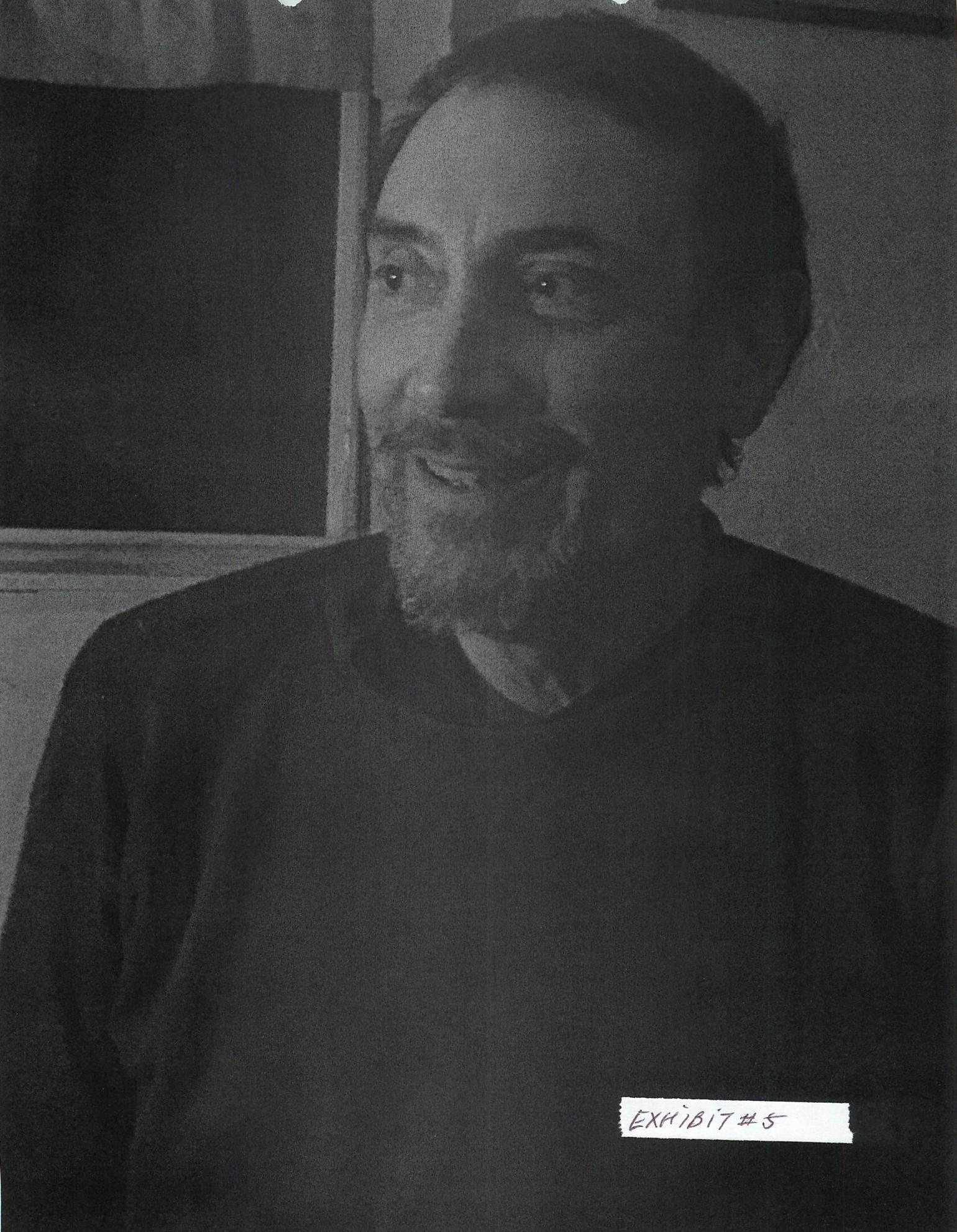


EXHIBIT #5